

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

FRANCISCO NIEVES,

Plaintiff,

v.

9:03-CV-01536

MRS. K. QUINN, *R.N.*; DOCTOR KOOI;
ANDROSKO, *R.N.*; MR. J. CLELLAN, *R.N.*;
MR. LAUX, *P.A.*; and S. ASHAN

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

FRANCISCO NIEVES
99-A-4007
Sullivan Correctional Facility
Box 116
Fallsburg, NY 12733-0116

FOR THE DEFENDANTS:

New York State Department of Law
The Capitol
Albany, NY 12224

JAMES SEAMAN, ESQ.

NORMAN A. MORDUE, U.S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge David R. Homer, duly filed on the 24th day of January, 2006. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

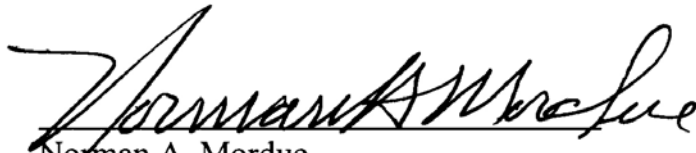
ORDERED, that:

1. The Report-Recommendation is hereby approved.
2. Defendants' motion for summary judgment (Docket No. 31) is GRANTED as to defendants Kooi, Androsko, Clellan, and Laux.
3. The complaint is DISMISSED without prejudice as to Quinn and Ahsan.
4. This action is DISMISSED in its entirety as to all defendants and all claims.
6. The Clerk of the Court shall serve a copy of this Order upon all parties and the

Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: February 13, 2006
Syracuse, New York


Norman A. Mordue
U.S. District Judge